

STATE PUBLIC DEFENDER

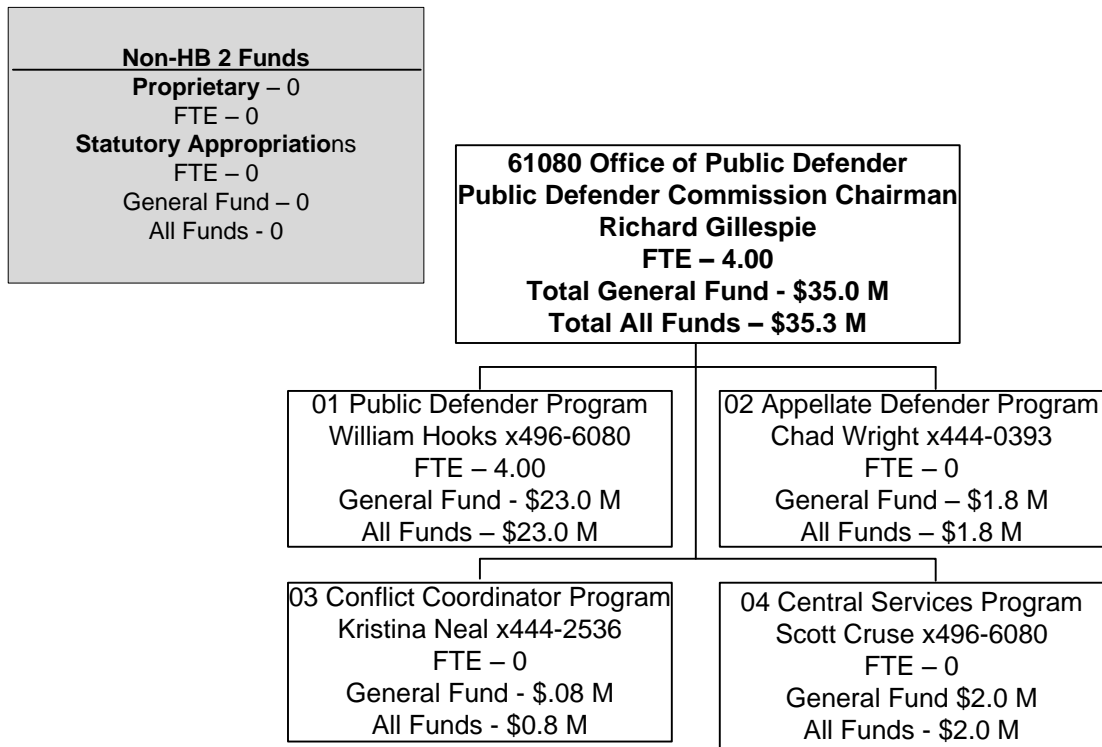
An Agency Profile Prepared by the
Legislative Fiscal Division

November, 2016



INTRODUCTION

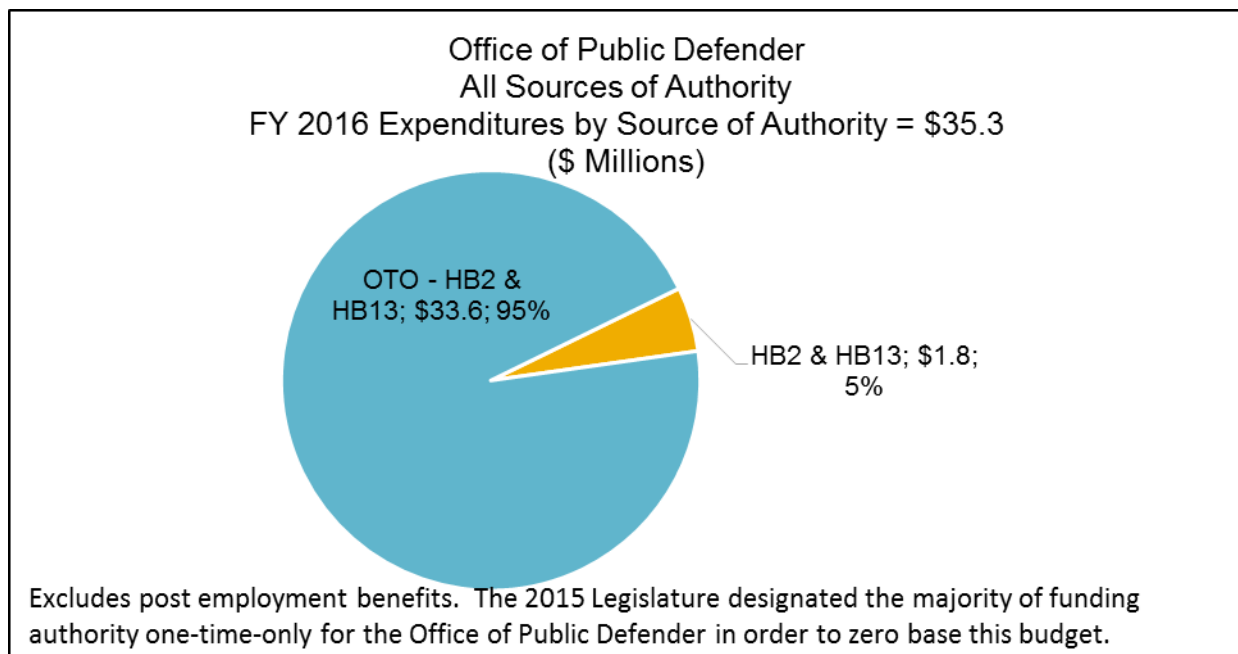
The primary mission of the statewide public defender system is to provide effective assistance of counsel to indigent persons accused of crime and other persons in civil cases who are entitled by law to the assistance of counsel at public expense.



HOW SERVICES ARE PROVIDED

Services are provided by a combination of state employees and attorneys contracting with the state. In general, state employees provide services in populated geographic areas where the majority of the cases occur and contracted attorneys are used in less populated geographic areas. Contract attorneys may also be utilized in situations that create a conflict of interest for attorneys on staff. State employees include attorneys, criminal investigators, and legal secretaries. Services are broken among 11 regions along with an office for major cases and an appellate office. In addition, a conflict office manages cases where conflicts exist between represented parties in the same legal action.

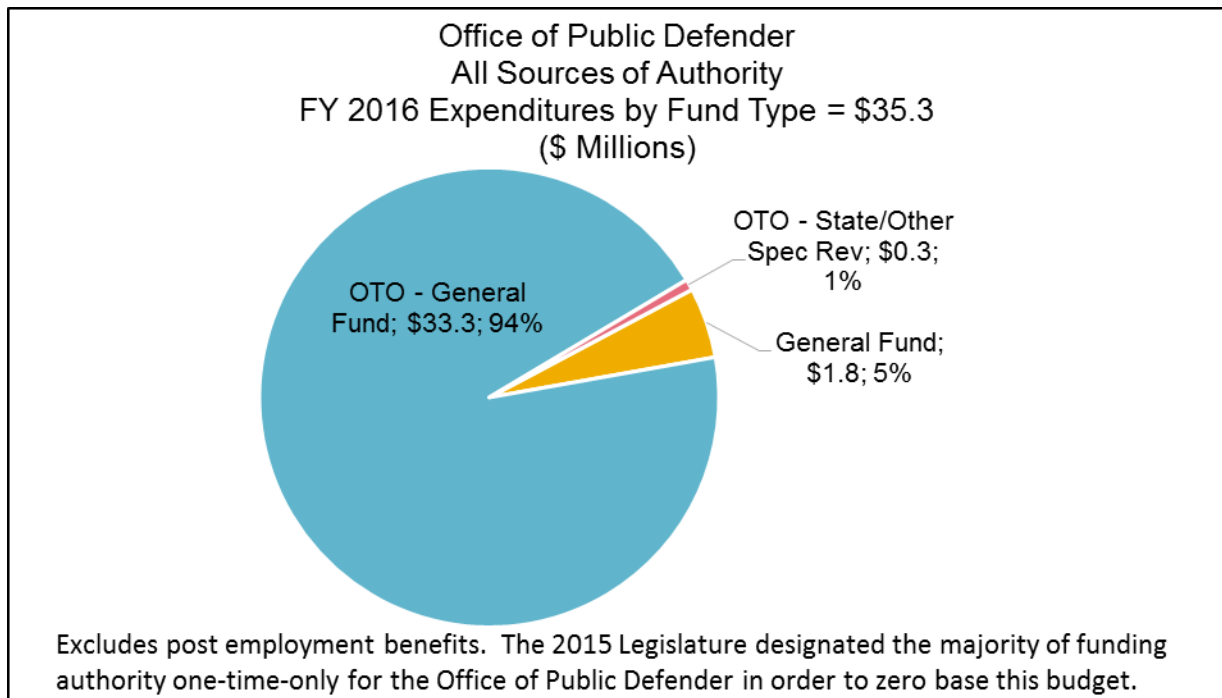
SOURCES OF SPENDING AUTHORITY



The above chart shows the sources of authority for the Office of State Public Defender that were expended in FY 2016.

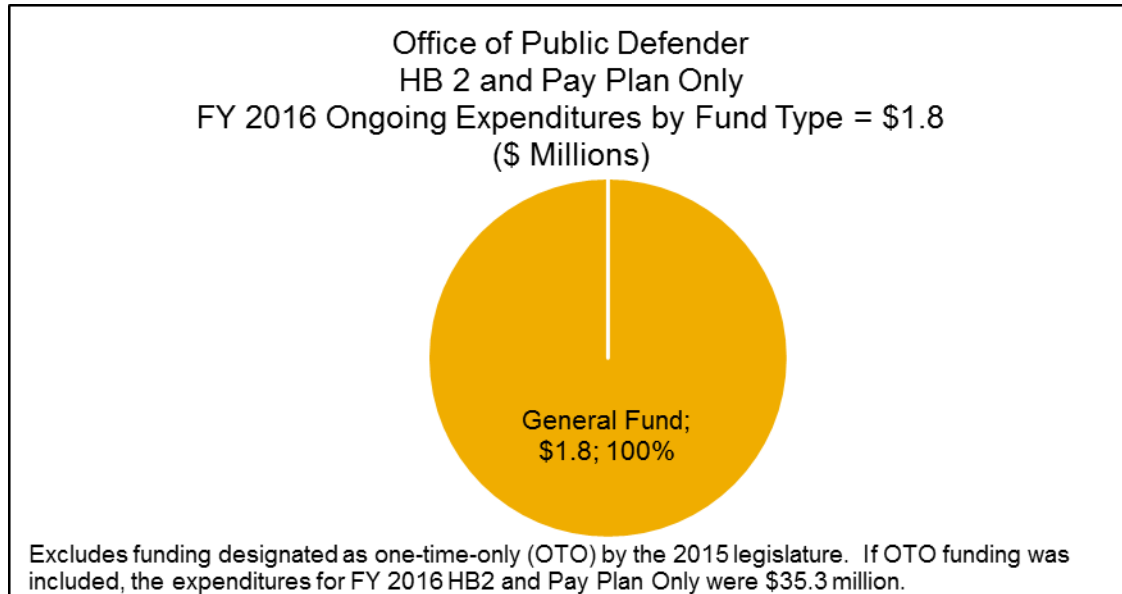
FUNDING

The Office of State Public Defender is funded primarily with general fund. A small amount of state special revenue from reimbursements for services provided is also available to the agency.



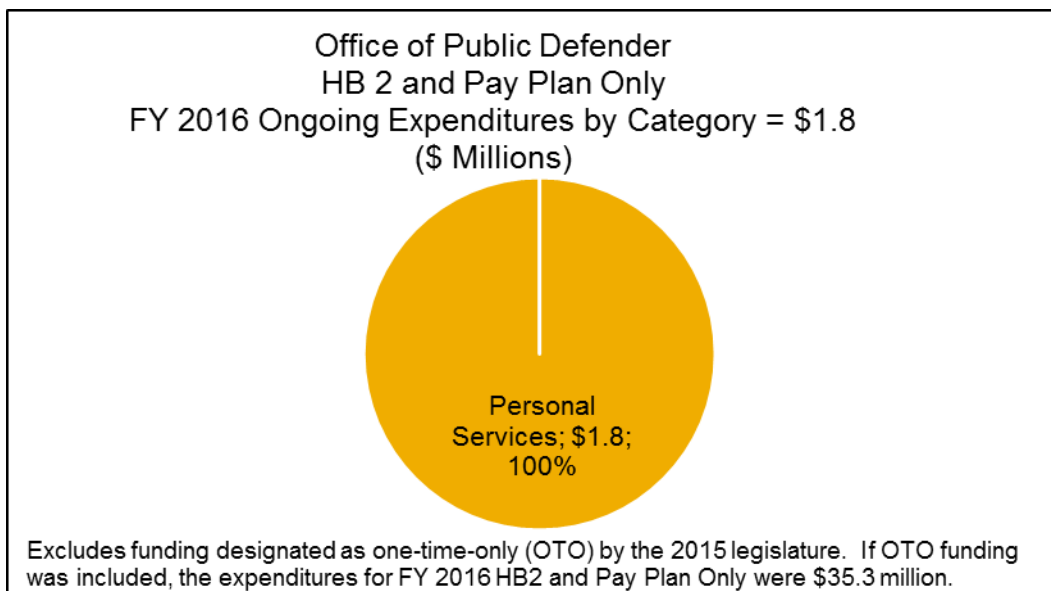
The above chart shows the funding sources for agency's FY 2016 expenditures.

The following chart shows the agency's FY 2016 HB2 and pay plan funding authority by fund type.



EXPENDITURES

The next chart explains how the HB2 and pay plan authority was spent in FY 2016.



HOW THE 2017 LEGISLATURE CAN EFFECT CHANGE

In order to change expenditure levels and/or agency activity, the legislature must address one or more of the following basic elements that drive costs.

The legislature may impact the function of the statewide public defender system by:

- Assigning responsibility for funding and provision of services
- Changing the statutory framework that defines the public defender system
- Changing statutory provisions of criminal law

- Changing statutory provisions related to certain civil proceedings

The largest categories of costs for the agency are personal services and contracted attorney services; actions that impact these items are likely to impact the system.

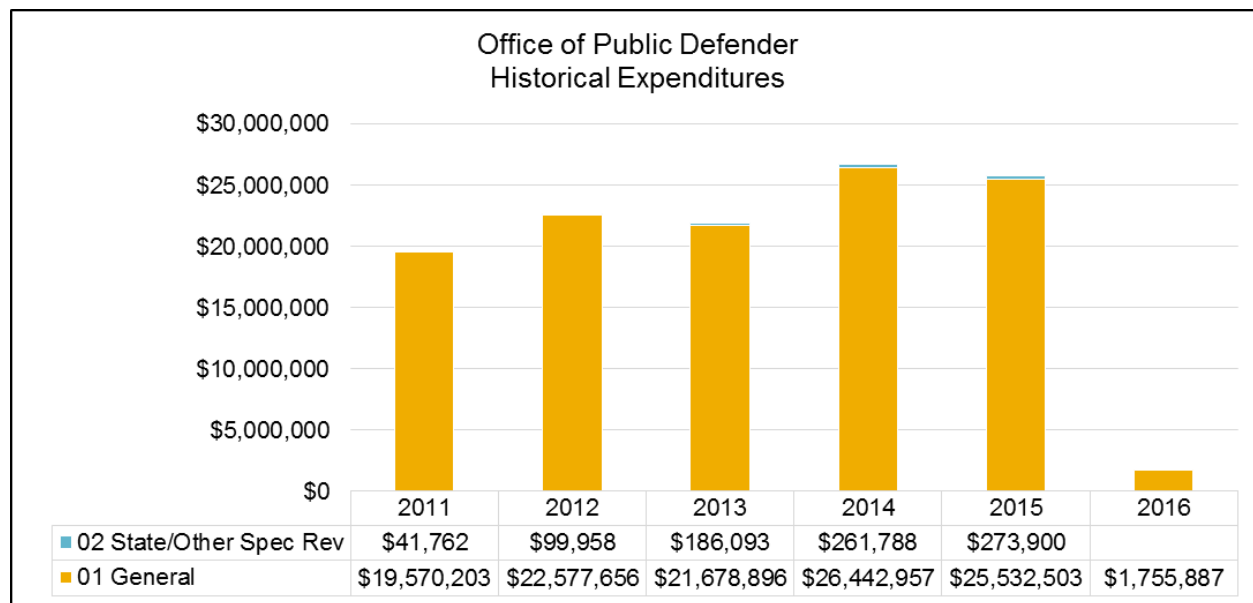
MAJOR COST DRIVERS

The major drivers of cost for the Office of State Public Defender are caseloads. The following table shows trends in the various types of cases of the office:

Driver	FY 2008	FY 2016	Significance of Data
Abuse and Neglect	2,181	4,691	Impact on workload
Criminal	5,523	7,904	Impact on workload
Guardianship	248	200	Impact on workload
Involuntary Commitment	735	1,103	Impact on workload
Juvenile	959	907	Impact on workload
Lower Court	16,910	21,543	Impact on workload
Total All Case Types	26,556	36,348	Impact on workload

FUNDING/EXPENDITURE HISTORY, AUTHORITY USED TO ESTABLISH THE BUDGET BASE

The following table shows historical changes in the agency's base budget authority.



MAJOR LEGISLATIVE CHANGES IN THE LAST TEN YEARS

The agency came into existence after SB 146 was passed and approved in the 2005 Legislative Session.

The only significant legislative changes occurred in the 2011 Legislative Session when:

- The Appellate Defender's Office was move into a separate program and the chief appellate defender began reporting directly to the Public Defender Commission
- The crime of aggravated DUI was enacted and qualified for services of the office
- The requirement was eliminated for the chief public defender to carry a caseload
- Law prohibited the contract manager from carrying a caseload

For more information please visit the agency website here: <http://www.publicdefender.mt.gov/>.